THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13675 OF 2006

DATED:13-07-2006

BETWEEN

Nadupur Sanyasi Rao

… Petitioner

and

The Principal Secretary, Revenue (Stamps & Registration) Department, State of Andhra Padesh, Secretariat, Hyderabad and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13675 OF 2006

ORDER:

The petitioner obtained a sale deed from one Peketi Adinarayana in respect of land admeasuring 288.88 square yards in plot No.22 comprised in survey No.235/30A, T.P.No.67/73 of Adivivaram village, Visakhapatnam District. The sale deed was submitted for registration. On 12.06.2006, second respondent issued the following endorsement rejecting the registration.

> The sale deed presented in this Office by Sri ADIREDDY SRIDHAR son of A.S.Appala Naidu, residing at D.No.3-116, Adarsanagar, Visakhapatnam-40, Special Power of Attornor, executed by Sri Pekati Adinarayana son of Late Suryanarayana, Hindu, aged 65 years resident of Srikakulam in favour of Nadupuri Sanyasi Rao son of late Bethala Rao, Hindu, aged 53 years, resident of Chowdavaram, is herewith returned with a direction to present the said deed along with the Land Regularization Certificate issued by the Land Regularization Committee as the scheduled property is situated in Survey No.275/30A of Adivivaram Village for which a notification is issued under Section 22-A of the Registration Act, 1908 published in A.P.Gazette No.360 dt.25-08-2000 of Revenue Department (Registration-I) prohibiting the registration of documents. The document should be presented along with a challan duly remitting the deficit stamp duty, registration fee and user charges in a designed branch i.e., State Bank of India, Gopalapatnam Branch.

Feeling aggrieved by the said endorsement, the present writ petition is filed. At the time of preliminary hearing itself, noticing that the Sub Registrar

refused registration on the ground that notification was issued under Section 22-A of the Registration Act, 1908 as amended by Registration (A.P.Amendment) Act, 1999, in A.P.Gazette No.360, dated 25.08.2000, this Court directed learned Assistant Government Pleader for Revenue (General) to produce a copy of the notification. Today, a copy of the notification issued vide G.O.Ms.No.508, Revenue (Registration.I) dated 28.07.2000, declaring the registration of documents of immovable property in various survey numbers of Adivivaram village as opposed to public policy, is produced.

In **State of Rajasthan v Basant Nahata**[1]**,** the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires.* Following the same, a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. Therefore, the impugned notification cannot be sustained. Further, in subsequent Judgment in W.P.No.17325 of 2005 and batch, dated 20.02.2006, a Division Bench of this Court while invalidating similar notification observed as under.

> As a sequel to the above, G.O.Ms.No.810, dated 14.10.2004, is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

Following the same, this writ petition is allowed observing that any registration of the documents presented by the petitioner would be subject to the adjudication by the Supreme Court, and if, ultimately the Supreme Court allows the Appeal filed by the Government of Andhra Pradesh, the registration of the documents would stand automatically nullified.

The Writ Petition, subject to the above observations, is accordingly allowed. No costs.

(V.V.S.RAO,J)

13.07.2006
pln

---

[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456